

technicians and shall update agreements with authorized state officials for the Secretary of Defense.

(b) The Secretary of the Army shall (1) implement the provisions of this Directive; (2) coordinate actions with the Secretary of the Air Force; and (3) designate the National Guard Bureau as the responsible agent for maintaining existing agreements with states and for coordinating administrative actions, to include preparing updated agreements.

§ 79.7 Standards for contribution agreements with state retirement programs for National Guard Technicians.

Each agreement between the Secretary of Defense and the Governor, or other authorized state official, for employer and employee contributions to a state retirement program for National Guard technicians shall be completed within 120 days of receipt of a state request. Provided, that—

(a) State law provides for payment of employee contributions to a state-sponsored employee retirement system by withholding sums from the employee's compensation and making payment to the official designated to receive sums withheld.

(b) The program is limited to technicians of the National Guard.

(c) Each agreement is consistent with this Directive and contains a clause that subjects the agreement to any statutory amendments occurring after the effective date of the agreement.

(d) The agreement shall comply with the requirements of state law that specify who is eligible for such state-sponsored retirement programs.

(e) The commencement date for contributions must be specified.

(f) Contribution procedures, filing requirements, and payment instructions conform, when practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force.

(g) The agreement does not impose requirements on the Department of Defense that are more burdensome than those requirements imposed on departments, agencies, or subdivisions of the state concerned.

(h) Except to the extent that an agreement may be inconsistent with this Directive, it shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

August 6, 1982.

[FR Doc. 82-21888 Filed 8-11-82; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 370

[DOD Directive 5136.8]

DOD Health Council

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule revises the DOD Health Council, establishes the DOD Dental Chiefs Council and the Medical Mobilization and Deployment Steering Committee, sets forth responsibilities, and provides a forum for consultation, discussion and advice on DOD health plans and policies. The Council will advise the Assistant Secretary of Defense (Health Affairs) on defense health matters in accordance with Part 367 of this title.

EFFECTIVE DATE: The Deputy Secretary of Defense approved and signed this rule [DOD Directive 5136.8] on July 8, 1982, and it is effective as of that date.

FOR FURTHER INFORMATION CONTACT: LTC A. Galenas, Office of the Assistant Secretary of Defense, (Health Affairs), The Pentagon, Washington, D.C. 20301. Telephone 202-674-4705.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-15868, appearing in the Federal Register on May 23, 1980 (45 FR 34880) the Office of the Secretary of Defense published the charter of the DOD Health Council. This Part has been revised and expanded.

List of Subjects in 32 CFR Part 370

Organization and functions
(government agencies), Health affairs.

Accordingly, 32 CFR is being amended by revising Part 370, reading as follows:

PART 370—DOD HEALTH COUNCIL

Sec.

- 370.1 Reissuance and purpose.
- 370.2 Applicability.
- 370.3 Organization and management.
- 370.4 Policy.
- 370.5 Responsibilities.
- 370.6 Charter, Dental Chiefs Council (DCC).
- 370.7 Charter, Medical Mobilization and Deployment Steering Committee.

Authority: 10 U.S.C. 133.

§ 370.1 Reissuance and purpose.

This Part is reissued to update the DoD Health Council (DHC) charter, and to authorize the establishment of the DoD Dental Chiefs Council (DCC) and the Medical Mobilization and Deployment Steering Committee (MMDSC) as subordinate elements. The DCC and MMDSC charters are § 370.6 and 370.7.

§ 370.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense,

the Military Departments, and the Organization of the Joint Chiefs of Staff (OJCS). The term, "Military Service," refers to the Army, Navy, Air Force, and Marine Corps.

§ 370.3 Organization and management.

(a) The DHC is composed of the Assistant Secretary of Defense (Health Affairs) (ASD(HA)), who serves as the chair, the Surgeons General from each of the Military Departments, and one representative from the OJCS and from the Uniformed Services University of the Health Sciences.

(b) The Council meets regularly at the call of the chair.

(c) The Council is supported by an Executive Director who is selected by the ASD(HA). To assist the Executive Director, each member of the DHC, other than the ASD(HA), designates an officer or civilian employee within its organization on a part-time basis to prepare issue items.

(d) The Executive Director of the DHC, subject to the direction of the chair:

- (1) Plans, organizes, and manages the administrative activities of the DHC.
- (2) Coordinates the development of reports and issues for consideration by the DHC.
- (3) Develops and coordinates plans and programs that are required to accomplish the DHC's responsibilities.
- (4) Performs other directed duties.

§ 370.4 Policy.

The DHC complements the statutory responsibilities of the ASD(HA), in accordance with 32 CFR Part 367, by advising him on DoD health matters; provides a forum for consultation, discussion, and advice on DoD health plans, policies, and related issues; and facilitates coordination among the organizations represented by the DHC members.

§ 370.5 Responsibilities.

(a) In carrying out the provisions of this charter Part, the Chair, DHC, shall:

- (1) Advise the ASD(HA) on policy changes required to improve wartime readiness and the delivery of health care.
- (2) Advise the ASD(HA) on coordination with other federal agencies to enhance health care delivery.
- (3) Develop and maintain health objectives with appropriate tasks and priorities approved by the ASD(HA) that:

- (i) Increase the wartime medical readiness of the Military Departments.
- (ii) Increase the productivity, efficiency, and economy of the Armed

Forces health care system without unnecessary duplication of resources.

(iii) Enhance recruitment, retention, training, and use of health care professionals within the Armed Forces health care system to meet Military Service requirements.

(iv) Improve the effectiveness of the direct and indirect health care delivery system to meet the demands of the eligible beneficiary population.

(b) The *Assistant Secretary of Defense (Health Affairs)* shall report to the Secretary of Defense on any issue of importance that comes before the DHC and that warrants the Secretary's consideration.

§ 370.6 Charter, Dental Chiefs Council (DCC).

(a) *Purpose.* The DCC is hereby established to serve the DoD Health Council (DHC) on all matters pertaining to dental health. The DCC shall provide a forum for consultation, discussion, and advice on DoD dental health plans, policies, and related issues, and shall facilitate coordination among the Dental Corps of the Military Departments.

(b) *Organization and management.* (1) The DCC shall be composed of the three Dental Corps chiefs who represent the Army, Navy, and Air Force. Each year, on a rotating basis, one of these chiefs will serve as chair of the DCC. The DCC shall meet on a scheduled basis and at the call of the chair. The chair or another designated member will be available to attend meetings of the DHC at which dental matters are considered.

(2) The DCC shall be supported by an executive secretary. The Special Assistant for Dental Affairs, Office of the ASD(HA), shall serve in this capacity. The Dental Corps chiefs shall designate an officer or civilian employee within their Military Departments to assist the executive secretary on a part-time basis in the preparation of issue and agenda items.

(3) Matters referred to the DHC will be coordinated through the DHC executive director.

(c) *Responsibilities.* (1) In carrying out the purposes and provisions of this charter, the *Dental Chiefs Council* shall:

(i) Advise the DHC through each Military Department's Surgeon General when policy changes are required to improve wartime readiness and the delivery of dental health care.

(ii) Coordinate with other federal dental health agencies to enhance dental health care delivery.

(iii) Develop and maintain dental health objectives that will:

(A) Increase the wartime dental readiness of the Military Departments;

(B) Increase dental care productivity, efficiency, and economy within the Armed Forces health care system without unnecessary duplication of resources.

(C) Enhance recruitment, retention, training, and use of dental health care professionals within the Armed Forces health care system to meet military requirements.

(D) Improve the effectiveness of the direct and indirect dental health care delivery system to meet the demands of the eligible beneficiary population.

(2) The *Executive Secretary of the DCC* shall, subject to the direction of the chair:

(i) Plan, organize, and manage the activities of the DCC.

(ii) Coordinate the development of reports and issues for consideration by the DCC.

(iii) Develop and coordinate the plans and programs to accomplish the responsibilities of the DCC.

(iv) Perform such other duties as may be directed by the chair.

§ 370.7 Charter, Medical Mobilization and Deployment Steering Committee.

(a) *Purpose.* The MMDSC is hereby established, replacing the Medical Mobilization and Deployment Steering Group that was established under ASD(HA) Memorandum, "Medical Mobilization and Deployment Steering Group," May 8, 1981 (hereby canceled). The MMDSC acts as the agent of the Defense Health Council (DHC) in identifying and recommending solutions to problems in medical readiness, mobilization, and deployment; and by reporting to the DHC on those issues.

(b) *Organization and Management.*

(1) The MMDSC comprises the Deputy Assistant Secretary of Defense (Medical Readiness) (DASD(MR)), Office of the ASD(HA), who serves as the chair; a flag or general officer from each of the Military Services; and one representative each from the OJCS, the Defense Logistics Agency, and the Office of the ASD (MRA&L).

(2) The MMDSC meets regularly at the call of the chair.

(3) The MMDSC is supported by the staff of the DASD(MR). Each member of the MMDSC provides additional support from his or her organization, as required.

(4) The DASD(MR) directs the preparation of the agenda and minutes of the MMDSC. Any member of the MMDSC may recommend agenda items.

(c) *Responsibilities.*

(1) The *Medical Mobilization and Deployment Steering Committee* shall:

(i) Develop objectives for inter-Service management of wartime medical

logistics and material, and review and coordinate that management.

(ii) Develop objectives for cross-Service utilization of medical personnel, and review and coordinate their attainment.

(iii) Review and coordinate peacetime training in wartime medical skills to ensure an adequate level of medical readiness.

(iv) Recommend to the DHC any policy changes needed to achieve the goal of medical readiness.

(v) Convene in time of crisis to coordinate tri-Service medical mobilization or other appropriate responses, including:

(A) The allocation of returning overseas casualties among military and civilian components of the civilian/military contingency hospital system; and

(B) The provision of medical care to military dependents, retirees and their dependents, and survivors of military members, both within the military health care system and through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(2) The *Chair of the MMDSC* shall report to the DHC on any issue requiring its attention or resolution by higher authority.

M. S. Healy,

*OSD Federal Liaison Officer,
Department of Defense.*

August 9, 1982.

[FR Doc. 82-21945 Filed 8-11-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 127 and 165

[CGD 82-081; CGD 13-82-03]

Temporary Security Zone—Strait of Juan de Fuca and Hood Canal, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment transfers the placement of the temporary security zone in docket CGD 13-82-03 from Part 127 to Part 165 of Title 33, Code of Federal Regulations. This clerical reorganization is needed to be consistent with the recent consolidation of all permanent safety and security zones into Part 165. The consolidation of permanent zones was published in the Federal Register of July 8, 1982.

DATE: This amendment becomes effective on August 10, 1982.

FOR FURTHER INFORMATION CONTACT:
Alfred F. Bridgman, Jr. (202) 426-1534.

SUPPLEMENTARY INFORMATION: This amendment is being published without prior notice and is being made effective immediately. Publishing a notice of proposed rulemaking and providing for a delayed effective date are unnecessary steps since the amendment is procedural and involves only a clerical reorganization.

The temporary security zone in docket CGD 13-82-03 was published in the Federal Register of June 14, 1982, beginning at Page 25519. A correction document was published in the Federal Register of June 28, 1982, at page 27858.

Drafting Information

The drafter of this amendment was William R. Register, Office of the Chief Counsel, U.S. Coast Guard.

List of Subjects in 33 CFR Parts 127 and 165

Harbors, Marine safety, Navigation (waters), Security measures, Vessels, Waterways.

§ 127.1309 [Redesignated as § 165.1309]

In consideration of the foregoing, the section number designation for the temporary security zone in CGD 13-82-03 is redesignated to be § 165.1309. The old section number was § 127.1309.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04-6)

Dated: August 10, 1982.

Richard L. Brown,

Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Environment and Systems.

[FR Doc. 82-22004 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration**49 CFR Part 537**

[Docket No. FE 77-03; Notice 7]

Automotive Fuel Economy; Semi-annual Reports

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends the agency's automotive fuel economy reporting requirements by deleting certain information submission requirements. The deleted requirements applied to information the agency has determined to be no longer necessary for it to monitor the automotive industry's progress in achieving higher levels of average fuel economy. The agency is adopting this amendment as

proposed, to permit the vehicle manufacturers to take advantage of the reduced requirements in the next reports required to be submitted. However, the agency will continue to evaluate comments responding to the request in its proposal regarding suggestions for further reductions in the requirements.

DATE: This action is effective on August 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard L. Strombotne, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-472-6902).

SUPPLEMENTARY INFORMATION: Section 505 of the Motor Vehicle Information and Cost Savings Act requires each automobile manufacturer (other than those small manufacturers which have been granted an alternative fuel economy standard under section 502(c) of the Act) to submit to the agency semi-annual reports relating to that manufacturer's efforts to comply with average fuel economy standards. The Act specifies that each report must contain a statement as to whether the manufacturer will comply with average fuel economy standards for that year, a plan describing the steps the manufacturer has taken or will take to comply, and any other information the agency may require. Whenever a manufacturer determines that a plan it submitted in one of its reports is no longer adequate to assure compliance, it must submit a revised plan. Section 505(c) of the Act also authorizes the agency to require further reports to be submitted, as necessary for the agency to carry out its responsibilities under the Act. The Act requires the agency to issue rules establishing the form and content of all reports.

On December 12, 1977, in 42 FR 62374, the agency established form and content requirements for fuel economy reports. Those requirements were designed to elicit information necessary to monitor compliance with standards and to assist the agency in its standard-setting activities for passenger automobiles and light trucks. However, in light of the agency's determination that, for the foreseeable future, market forces appear to provide adequate incentive for the production of and demand for fuel efficient vehicles (see 46 FR 22243, April 16, 1981) and that the establishment of additional passenger automobile fuel economy standards is therefore unnecessary, some of the information required to be submitted in fuel economy reports was found to be no longer needed by the agency. Therefore, on February 22, 1982, the agency

proposed deleting portions of its fuel economy reporting requirements which were originally established principally to assist future rulemaking. See 47 FR 7706.

The agency's December 1977 rule required the submission of five general categories of information: (1) The manufacturer's projected average fuel economy; (2) the projected fuel economy and sales for each model type; (3) a variety of technical and sales data for each vehicle configuration; (4) a description of technology and sales changes from the preceding model year which increase the manufacturer's average fuel economy, and of changes made during the model year which will affect average fuel economy; and (5) a description of marketing measures the manufacturer expects to use to improve average fuel economy. The proposed revisions to the reporting requirements would have required the submission of the detailed configuration data only once per year, instead of requiring it for each semi-annual report, and would have deleted the requirements for submission of sales and technology change information and information on marketing measures.

The agency received ten comments on the proposed changes, eight from vehicle manufacturers and two from consumer organizations. The vehicle manufacturers generally supported the proposed reductions and suggested additional areas where information submission requirements might be reduced. The consumer organizations opposed the reductions, arguing that the agency should continue to establish fuel economy standards for each model year and that even if the agency merely monitors the need for future standards, much of the no-longer-required information would still be highly useful.

For the reasons set forth below, the agency disagrees with the arguments set forth by the two consumer groups. As an immediate measure, the agency is promulgating an amended reporting rule identical to the proposed amendment. This step was suggested by Ford Motor Company in its NPRM comments. Taking that action will permit a less stringent rule to be in effect in time for the preparation and submission of future reports. The agency will review the comments by the vehicle manufacturers to determine whether additional reductions in the reporting requirements are appropriate and consistent with the agency's statutory obligations.

The Environmental Policy Institute and the Center for Auto Safety both argued that the agency should not adopt the proposed modifications to the

reporting rule because the agency should proceed to establish fuel economy standards for model years after 1985. Under section 502(a)(1) of the Act, Congress established an average fuel economy standard of 27.5 miles per gallon for passenger automobiles manufactured in the 1985 model year and thereafter. However, under section 502(a)(4) of the Act, the agency is authorized to amend the standard for 1985 or any model year thereafter to a level determined to be the maximum feasible average fuel economy level. The agency's April 16 notice announced the agency's determination that it is not now necessary to exercise the discretionary authority granted under section 502(a)(4) of the Act to issue additional passenger automobile standards, given current high gasoline prices and demand for fuel efficient vehicles and announced plans of the vehicle manufacturers to produce efficient vehicles. The agency reaffirmed that position in denying a petition from the Center for Auto Safety to commence rulemaking on such standards (see 46 FR 48383, October 1, 1981) and still remains of that view.

The standards-related information previously required to be submitted in the semi-annual reports and now being deleted was useful when the agency engaged in major fuel economy standard setting proceedings virtually every year, as it did from 1976-1980. However, even for those proceedings, it was necessary to supplement those reports with some detailed information obtained through the use of questionnaires and special orders to the manufacturers. The agency simply sees no need for the continued submission of certain information semi-annually. If changed circumstances create a need in the future for the issuance of additional passenger car standards, for example, the agency could obtain the necessary information in the same manner as in the earlier proceedings, i.e., through the use of questionnaires and special orders.

The Center for Auto Safety also argued that the fuel economy reporting rule should not be modified, since the agency still needs all the previously required data to fulfill its stated intent of monitoring the actions of the manufacturers in producing and marketing fuel efficient vehicles, as well as consumer demand for such vehicles. The agency disagrees. Long term trends in automotive fuel efficiency can be ascertained with less detail and less frequently submitted information than is necessary to establish standards which must be enforced to the nearest 0.1 mile per gallon. Information on vehicle model

types, along with the annual updates of more detailed configuration data, provides adequate information to assess such trends. Marketing measure information was more useful in times when manufacturers might have needed to use such measures to raise their average fuel economy levels enough to comply with applicable fuel economy standards. In the current market situation, compliance with standards is typically assured by comfortable margins. Thus, marketing measures are targeted to problems associated with inventories of over-stocked vehicles. With regard to technological change information, this material is typically available to the agency in the trade press. It can also be derived from the configuration and model type data in many cases. Finally, running changes are generally minor, unplanned product revisions caused by parts shortages or driveability complaints by consumers, such as a change in tire type or in carburetor calibration. Major actions which could significantly affect fuel economy are rarely implemented as running changes.

Paperwork Reduction Act

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96-511) and have been assigned OMB Control Number 2127-0019.

The agency finds good cause for making this amendment effective immediately, since it would permit the manufacturers to avoid devoting resources to the preparation of information which the agency has determined to be of little value in carrying out its responsibilities. The immediate effective date is authorized under the Administrative Procedure Act for that reason and, since this rulemaking "relieves a restriction," within the meaning of 5 U.S.C. 553(d).

NHTSA has determined that this proceeding does not involve a major rule within the meaning of section 1, paragraph (b), of Executive Order 12291 because it is not likely to have an effect on the economy of \$100 million or more, to result in a major increase in costs or prices, or to have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States firms to meet foreign competition. This action is also not significant for purposes of Department of Transportation procedures for internal review of regulatory actions. A regulatory evaluation of this action has been prepared and has been placed in the

rulemaking docket for this notice. Copies of that document can be obtained from the agency's Docket Section at the address stated above.

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact of this rulemaking action on small entities. The agency certifies that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be required for this action. The agency has concluded that few, if any, manufacturers of passenger cars are small entities and that, in any event, any effect on such manufacturers will be positive in terms of reduced costs. NHTSA has also concluded that the environmental consequences of this action will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

List of Subjects in 49 CFR Part 537

Energy conservation, Gasoline, Reporting requirements.

(Sec. 301, Pub. L. 94-163, 80 Stat. 901 (15 U.S.C. 2005); sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); delegation of authority at 49 CFR 1.50)

Issued on August 5, 1982.

Raymond A. Peck, Jr.,
Administrator.

In consideration of the foregoing, 49 CFR Part 537 is revised to read as follows:

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

- | | |
|--------|--|
| Sec. | |
| 537.1 | Scope. |
| 537.2 | Purpose. |
| 537.3 | Applicability. |
| 537.4 | Definitions. |
| 537.5 | General requirements for reports. |
| 537.6 | General content of reports. |
| 537.7 | Pre-model year and mid-model year reports. |
| 537.8 | Supplementary reports. |
| 537.9 | Determination of fuel economy values and average fuel economy. |
| 537.10 | Incorporation by reference. |
| 537.11 | Public inspection of information. |
| 537.12 | Confidential information. |

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2005); delegation of authority at 41 FR 25015, June 22, 1976.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.2 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in valuating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers, except for manufacturers subject to an alternate fuel economy standard under section 502(c) of the Act.

§ 537.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy standard," "fuel," "manufacturer," and "model year" are used as defined in section 501 of the Act.

(2) The term "manufacturer" is used as defined in section 501 of the Act and in accordance with Part 529 of this chapter.

(3) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms "automobile," "automobile capable of off-highway operation," and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determinations in Part 523 of this chapter.

(b) *Other terms.* (1) The term "loaded vehicle weight" is used as defined in Subpart A of 40 CFR Part 86.

(2) The terms "axle ratio," "base level," "body style," "car line," "combined fuel economy," "engine code," "equivalent test weight," "gross vehicle weight," "inertia weight," "transmission class," and "vehicle configuration" are used as defined in Subpart A of 40 CFR Part 600.

(3) The term "light truck" is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(4) The terms "approach angle," "axle clearance," "brakeover angle," "cargo carrying volume," "departure angle," "passenger carrying volume," "running clearance," and "temporary living quarters" are used as defined in Part 523 of this chapter.

(5) The term "incomplete automobile manufacturer" is used as defined in Part 529 of this chapter.

(6) As used in this part, unless otherwise required by the context:

(i) "Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163).

(ii) "Administrator" means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(iii) "Current model year" means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by § 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by § 537.5(b) to be submitted.

(iv) "Average" means a production-weighted harmonic average.

(v) "Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report, a mid-model year report, and, as required by § 537.8, supplementary reports.

(b)(1) The pre-model year report required by this part for each current model year must be submitted during the month of December (e.g., the pre-model year report for the 1983 model year must be submitted during December, 1982).

(2) The mid-model year report required by this part for each current model year must be submitted during the month of July (e.g., the mid-model year report for the 1983 model year must be submitted during July 1983).

(3) Each supplementary report must be submitted in accordance with § 537.8(c).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report, mid-model year report, or supplementary report as appropriate;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report;

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590;

(5) Identify the current model year;

(6) Be written in the English language; and

(7)(i) Specify any part of the information or data in the report that the manufacturer believes should be withheld from public disclosure as trade secret or other confidential business information.

(ii) With respect to each item of information or data requested by the

manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the item is within the scope of sections 552(b)(4) and 2005(d)(1);

(B) Show that disclosure of the item would result in significant competitive damage;

(C) Specify the period during which the item must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be based upon all information and data available to the manufacturer 30 days before the report is submitted to the Administrator.

§ 537.6 General content of reports.

(a) *Pre-model year and mid-model year reports.* Except as provided in paragraph (c) of this section, each pre-model year report and the mid-model year report for each model year must contain the information required by § 537.7(a).

(b) *Supplementary report.* Each supplementary report must contain the information required by § 537.8(b) (1), (2), or (3), as appropriate.

(c) *Exceptions.* (1) The pre-model year report is not required to contain the information specified in § 537.7 (b), (c) (1) and (2), or (c)(4) (xiv) and (xx) if that report is required to be submitted before the fifth day after the date by which the manufacturer must submit the preliminary determination of its average fuel economy for the current model year to the Environmental Protection Agency under 40 CFR 600.506, when such determination is required. Each manufacturer that does not include information under the exception in the immediately preceding sentence shall indicate in its report the date by which it must submit that preliminary determination.

(2) The pre-model year report and the mid-model year report submitted by an incomplete automobile manufacturer for any model year are not required to contain the information specified in § 537.7 (c)(4) (xv)-(xviii) and (c)(5). The information provided by the incomplete automobile manufacturer under § 537.7(c) shall be according to base level instead of model type or carline.

§ 537.7 Pre-model year and mid-model year reports.

(a)(1) Provide the information required by paragraphs (b)-(c) of this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section provide the information required by paragraph (b)-(c) for this section of each class, as specified in part 533 of this chapter, of the manufacturer's light trucks for the current model year.

(b) *Projected average fuel economy.*
(1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with § 537.9 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the projected final average fuel economy that the manufacturer anticipates having if changes implemented during the model year will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection it provides under paragraph (b)(2) of this section, or if it does not provide an average under that paragraph, the projection it provides under paragraph (b)(1) of this section sufficiently represents the manufacturer's average fuel economy for the current model year for the purposes of the Act. In the case of a manufacturer that believes that the projection is not sufficiently representative for those purposes, state the specific nature of any reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(c) *Model type and configuration fuel economy and technical information.* (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing average inertia weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2)(i) Combined fuel economy; and
(ii) Projected sales for the current model year and total sales of all model types.

(3) *(Pre-model year report only.)* For each vehicle configuration whose fuel economy was used to calculate the fuel economy values for a model type under paragraph (c)(2) of this section, provide the information specified in paragraph

(c)(4) of this section either in tabular form or as a fixed format computer tape. If a tabular form is used then list the vehicle configurations, by model type in the order listed under paragraph (c)(2) of this section, from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c)(4) of this section. Other formats (such as copies of EPA reports) which contain all the required information in a readily identifiable form are also acceptable. If a computer tape is used, any NHTSA approved fixed format structure may be used, but each vehicle configuration record should identify the manufacturer, model type, and for light trucks the drive wheel code, e.g., 2 or 4 wheel drive. At least the information categories specified here and in paragraph (c)(4) must be provided, but if preferred the tape may contain any additional categories. Each computer tape record must contain all the required categories of information to enable direct reading and interpretation in the fixed format that was approved. There should be no titles, column headings, page numbers, or attachment numbers on the tape. It must be possible to directly calculate and produce the tables specified in paragraph (c)(1) from the records on this tape.

(4)(i) Loaded vehicle weight;
(ii) Equivalent test weight;
(iii) Cubic inch (or liters) displacement of engine;
(iv) Number of engine cylinders;
(v) SAE net horsepower;
(vi) Engine code;
(vii) Fuel system (number of carburetor barrels or, if fuel injection is used, so indicate);

(viii) Emission control system;
(ix) Transmission class;
(x) Number of forward speeds;
(xi) Existence of overdrive (indicate yes or no);

(xii) Total drive ratio (N/V);
(xiii) Axle ratio;
(xiv) Combined fuel economy;
(xv) Projected sales for the current model year;

(xvi) (A) In the case of passenger automobiles:

(1) Interior volume index, determined in accordance with Subpart D of 40 CFR Part 600, and

(2) Body style;
(B) In the case of light trucks:
(1) Passenger-carrying volume, and
(2) Cargo-carrying volume;

(xvii) Performance of the function described in § 523.5(a)(5) of this chapter (indicate yes or no);

(xviii) Existence of temporary living quarters (indicate yes or no);

(xix) Frontal area;

(xx) Road load power at 50 miles per hour, if determined by the manufacturer for purposes other than compliance with this part to differ from the road load setting prescribed in 40 CFR 86.177-11(d);

(xxi) Optional equipment which the manufacturer is required under 40 CFR Parts 86 and 600 to have actually installed on the vehicle configuration, or the weight of which must be included in the curb weight computation for the vehicle configuration, for fuel economy testing purposes.

(5) For each model type of automobile which is classified as an automobile capable of off-highway operation under Part 523 of this chapter, provide the following data:

(i) Approach angle;
(ii) Departure angle;
(iii) Breakover angle;
(iv) Axle clearance;
(v) Minimum running clearance; and
(vi) Existence of 4-wheel drive

(indicate yes or no).

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.9.

§ 537.8 Supplementary reports.

(a)(1) Except as provided in paragraph (d) of this section, each manufacturer whose most recently submitted semiannual report contained an average fuel economy projection under § 537.7(b)(2) or, if no average fuel economy was projected under that section, under § 537.7(b)(1), that was not less than the applicable average fuel economy standard and who now projects an average fuel economy which is less than the applicable standard shall file a supplementary report containing the information specified in paragraph (b)(1) of this section.

(2) Except as provided in paragraph (d) of this section, each manufacturer that determines that its average fuel economy for the current model year as projected under § 537.7(b)(2) or, if no average fuel economy was projected under that section, as projected under § 537.7(b)(1), is less representative than the manufacturer previously reported it to be under § 537.7(b)(3), this section, or both, shall file a supplementary report containing the information specified in paragraph (b)(2) of this section.

(3) Each manufacturer whose pre-model year report omits any of the information specified in § 537.7 (b), (c) (1) and (2), or (c)(4) (xvi) and (xxiv) shall file supplementary report containing the information specified in paragraph (b)(3) of this section.

(b)(1) The supplementary report required by paragraph (a)(1) of this section must contain:

(i) Such revisions of and additions to the information previously submitted by the manufacturer under this part regarding the automobiles whose projected average fuel economy has decreased as specified in paragraph (a)(1) of this section as are necessary—

(A) To reflect the decrease and its cause;

(B) To indicate a new projected average fuel economy based upon these additional measures.

(ii) An explanation of the cause of the decrease in average fuel economy that led to the manufacturer's having to submit the supplementary report required by paragraph (a)(1) of this section.

(2) The supplementary report required by paragraph (a)(2) of this section must contain:

(i) A statement of the specific nature of and reason for the insufficiency in the representativeness of the projected average fuel economy;

(ii) A statement of specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency; and

(iii) A description of any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(3) The supplementary report required by paragraph (a)(3) of this section must contain:

(i) All of the information omitted from the pre-model year report under § 537.6(c)(2); and

(ii) Such revisions of and additions to the information submitted by the manufacturer in its pre-model year report regarding the automobiles produced during the current model year as are necessary to reflect the information provided under paragraph (b)(3)(i) of this section.

(c)(1) Each report required by paragraph (a) (1) or (2) of this section must be submitted in accordance with § 537.5(c) not more than 45 days after the date on which the manufacturer determined, or could have, with reasonable diligence, determined that a report is required under paragraph (a) (1) or (2) of this section.

(2) Each report required by paragraph (a)(3) of this section must be submitted in accordance with § 537.5(c) not later than five days after the day by which the manufacturer is required to submit a preliminary calculation of its average fuel economy for the current model year

to the Environmental Protection Agency under 40 CFR 600.506.

(d) A supplementary report is not required to be submitted by the manufacturer under paragraph (a) (1) or (2) of this section:

(1) With respect to information submitted under this part before the most recent semiannual report submitted by the manufacturer under this part, or

(2) When the date specified in paragraph (c) of this section occurs:

(i) During the 60-day period immediately preceding the day by which the mid-model year report for the current model year must be submitted by the manufacturer under this part, or

(ii) After the day by which the pre-model year report for the model year immediately following the current model year must be submitted by the manufacturer under this part.

§ 537.9 Determination of fuel economy values and average fuel economy.

(a) *Vehicle configuration fuel economy values.* (1) For each vehicle configuration for which a fuel economy value is required under paragraph (c) of this section and has been determined and approved under 40 CFR Part 600, the manufacturer shall submit that fuel economy value.

(2) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value approved under 40 CFR Part 600, does not exist, but for which a fuel economy value determined under that part exists, the manufacturer shall submit that fuel economy value.

(3) For each vehicle configuration specified in paragraph (a)(1) of this section for which a fuel economy value has been neither determined nor approved under 40 CFR Part 600, the manufacturer shall submit a fuel economy value based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods used.

(b) *Base level and model type fuel economy values.* For each base level and model type, the manufacturer shall submit a fuel economy value based on the values submitted under paragraph (a) of this section and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR Part 600.

(c) *Average fuel economy.* Average fuel economy must be based upon fuel economy values calculated under paragraph (b) of this section for each model type and must be calculated in accordance with 40 CFR 600.506, using

the configurations specified in 40 CFR 600.506(a)(2), except that fuel economy values for running changes and for new base levels are required only for those changes made or base levels added before the average fuel economy is required to be submitted under this part.

§ 537.10 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by references a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

§ 537.11 Public inspection of information.

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.12 Confidential information.

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 505 of the Act and section 552(b) of Title 5 of the United States Code and is not subsequently released under paragraph (c) of this section in accordance with section 505 of the Act.

(b) *Denial of confidential treatment.* When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosure of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) *Release of confidential information.* After giving written notice

to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

[FR Doc. 82-21793 Filed 8-11-82; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 575

[Docket No. 25; Notice 48]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Interim final rule and request for comments.

SUMMARY: This notice makes a technical correction to the test procedures used in Uniform Tire Quality Grading (UTQG). A recently issued amendment to those procedures inadvertently omitted certain factors to be used in determining the load under which tires are to be tested for traction. This notice corrects the prior amendment. This notice also provides that, for a two-year period, tires whose test loads would change significantly as a result of the use of the treadwear, temperature resistance and traction load factors shall continue to be tested at the loads used in UTQG testing prior to June 14, 1982. The agency intends this notice to ensure that test loads will not significantly change from previously specified loads.

DATES: The UTQG amendment is effective on August 12, 1982. Comments on this notice must be received on or before October 12, 1982.

ADDRESS: Comments should refer to the docket numbers set forth above and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Docket hours are 8:00 a.m. to 4:00 p.m. (E.D.T.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. (202-426-1740).

SUPPLEMENTARY INFORMATION: Under the UTQG system, tires sold in this country are tested and grades are assigned for treadwear, traction, and temperature resistance. Prior to June 15,

1982, the UTQG Standards provided that the tire rim size and test loads used for UTQG testing were to be obtained from the tire tables of Appendix A to Federal Motor Vehicle Safety Standard No. 109, New pneumatic tires. However, those tables were deleted from FMVSS 109 effective June 15, 1982. In order to provide a substitute means for determining rims and test loads for all three performance characteristics, NHTSA published an interim final rule on June 15, 1982 (47 FR 25930). The June 15 notice specified alternative methods for determining test rim sizes and test loads, without having to refer to the now-deleted tire tables of Standard 109.

Of relevance here is the new procedure for determining test loads. That procedure requires multiplying the maximum tire load appearing on the tire's sidewall by certain specified factors.

The agency's June 15 correction notice inadvertently omitted factors for traction testing. The factors which were listed in that notice were those appropriate for treadwear and temperature resistance testing only. Therefore, the agency is now correcting the table set forth in the June 15 notice to include the factors to be used in UTQG traction testing. The agency has selected these factors, like those specified in the June 15 notice for treadwear and temperature resistance testing, in an attempt to produce approximately the same test load as was previously specified by reference to the tire tables of Standard 109. The agency believes that for most tire types and sizes, this procedure will produce tire load specifications which differ from loads specified by the old procedure by less than 10 pounds. The agency believes that this difference will not be large enough to produce significant differences in test results, but invites comment on this point.

The agency has identified 14 individual tire sizes which would have differences of more than 10 pounds in test loads under the load factors for treadwear, temperature resistance or traction testing under UTQG. These discrepancies apparently result from differences in the manner in which various tire companies determine maximum tire loads and "design" loads. For these 14 tires, the agency is specifying as an interim measure that the loads previously determined by reference to the tire tables may continue to be used for a period of two years. The two year period will permit the tire manufacturers to make any design changes they feel necessary in these tires. While the agency believes that

those 14 tire sizes represent the only tires now sold in the U.S. with load discrepancies of greater than 10 pounds, there may be others. Commenters are requested to inform the agency of any additional tires for which such a discrepancy exists. These tires will be added to that list when final action is taken on the interim final rule.

The agency finds good cause for issuing this amendment without prior notice and comment. The agency believes that prior notice and comment are unnecessary, since the revisions are technical and editorial in nature. They are intended to allow the continued implementation of the UTQG regulation in the same manner as it was before June 15, 1982. Although the agency has concluded that prior notice and comment are unnecessary, it has decided to go beyond the minimum requirements of the Administrative Procedures Act and provide a comment period on this amendment. For the same reasons set forth above and to permit continued implementation of the UTQG regulation, the agency finds good cause for making the revisions effective immediately.

Since this amendment is not intended to cause any significant change in implementation of the UTQG regulation as it existed on June 14, 1982, NHTSA has determined that this proceeding does not involve a major rule within the meaning of Executive Order 12291 or a significant rule within the meaning of the Department of Transportation regulatory procedures. Further, there are virtually no economic impacts of this action so that preparation of a full regulatory evaluation is unnecessary.

The Regulatory Flexibility Act does not require the preparation of flexibility analyses with respect to rulemaking proceedings, such as this one, since the agency certifies that this action would not have a significant economic impact on a substantial number of small entities. As noted above, this action will make essentially no change in the implementation of the UTQG regulation.

NHTSA has concluded that this action will have essentially no environmental consequences and therefore that there will be no significant effect on the quality of the human environment.

Interested persons are invited to submit comments on the agency's action announced above and on any other topics relevant to this notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-